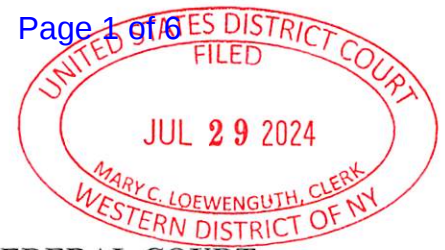


Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. **Full Name of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

James Paul Arlotta, (disabled veteran)
~~United States of America.~~
~~State of New York.~~

-VS-

B. **Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|--|--------------------------------|
| 1. Benderson Development Company, LLC | 4. Coca Cola Bottlers' |
| 2. Niagara County New York Sheriff's Department. | 5. Buffalo Strive Vending Inc. |
| 3. Coca Cola Corporation | 6. |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Title 42 U.S.C. §§ 1983, 2000 et seq.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Violation(s) occurred in Niagara County N.Y. within this Federal district.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Federal civil rights violation of a protected class of citizen, (~~some~~ service connected disabled middle aged Veteran of USN.) Disabilities profiling by Niagara County NY.

3. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.Name of First Plaintiff: James Paul ArlottaPresent Address: 25 West Utica St. Apt. 404 Buffalo, NY 14209Name of Second Plaintiff: ~~NY~~ State of New YorkPresent Address: ~~NY~~ NYS Capitol Building Albany, NY 12224**DEFENDANT'S INFORMATION** NOTE: To list additional defendants, use this format on another sheet of paper.Name of First Defendant: Coca Cola CorporationOfficial Position of Defendant (if relevant): AgentAddress of Defendant: 1 Coca Cola Plz NW, Atlanta, GA 30313Name of Second Defendant: Local Coca Cola Bottlers in 40 Coca Cola Beverages NortheastOfficial Position of Defendant (if relevant): Vending MachineAddress of Defendant: 200 Milens Rd, Tonawanda, NY 14150Name of Third Defendant: Buffalo Strive Vending Inc.Official Position of Defendant (if relevant): 3 CEO Jennifer L. CortoAddress of Defendant: 3538 California Rd, #1 Orchard Park, NY 14127or Principal Executive Office at 48 Knoche Way, Orchard Park NY 14127**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): James P. Arlotta

Defendants

Name of Fourth Defendant: Niagara County NY Sheriff's Department, address of defendant: 5526 Niagara Street Ext., P. O. Box 496, Lockport, NY 14095-0496

Name of Fifth Defendant: Benderson Development, LLC
address of defendant: 584 Delaware Avenue Buffalo, NY 14202

Defendant(s): Roman Catholic Diocese of Buffalo, St. Bernadettes Roman Catholic Parish, Orchard Park NY Police Department.

2. Court (if federal court, name the district; if state court, name the county): WDNY federal court.

3. Docket or Index Number: 1:16-cv-631

4. Name of Judge to whom case was assigned: Frank P. Geraci Jr. and Lawrence Vilaro

5. The approximate date the action was filed: 08/04/2016

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☒

If not, give the approximate date it was resolved. 09/19/2017

Disposition (check those statements which apply):

☒ Dismissed (check the statement which indicates why it was dismissed):

☒ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☒ Judgment upon motion or after trial entered for

☐ plaintiff

☒ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. **FIRST CLAIM:** On (date of the incident) 07/26/2024,

defendant (give the **name and (if relevant) the position held of each defendant** involved in this incident) This

service connected disabled USN veteran attempted 3 times to purchase from a Coca Cola Corporation, (Buffalo Strive Vending, Inc.,

did the following to me (briefly state what each defendant named above did): That the machine, (this plaintiff took digital camera phone photographs of the actual vending machine, actually owned by, "Property of the local 'Coca Cola' Bottler." Denied two times with a refund, then plaintiff's money stolen. This plaintiff also tried to file a police report, BUT WTS DENIED THE RIGHT TO DO SO. By the Niagara County Sheriff's Department, that abruptly HUNG UP ON THIS SERVICE-CONNECTED DISABLED USN Veteran.

The federal basis for this claim is: My federal civil right's being denied in a public place of business, and county police misconducts.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Plaintiff demand's monetary compensation's. Due to public embarrasments', humiliations', and plaintiff's mental health condition's being exacerbated. By the Coca Cola Corporation.

B. SECOND CLAIM: On (date of the incident) 07/26/2024,
defendant (give the name and (if relevant) position held of each defendant involved in this incident) Niagara County New York Sheriff's Department.

did the following to me (briefly state what each defendant named above did): The employee that took my phone call HUNG UP. DENYING ME MY RIGHT TO FILE A POLICE REPORT. AS THIS PLAINTIFF'S MONEY WAS STOLEN FROM HIM, AFTER THE FIRST MACHINE "SPIT" RETURNED PLAINTIFF'S MONEY. DISABILITIES PROFILING BY NIAGARA COUNTY NY Sheriff's Department.

The federal basis for this claim is: Title 42 U.S.C. § 1983 under color of law. Plaintiff having been DISCRIMINATED AGAINST.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Lawfully facilitate monetary settlement, (or if not possible,) PLAINTIFF DEMAND'S JURY TRIAL.

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

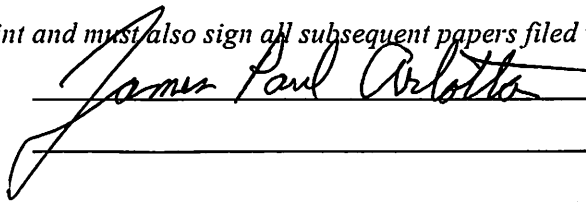
Monetary, due to the nature of the ~~crimes~~ CRIME(S) and this civil tort. ~~the~~ The removal of the Coca Cola Corporation vending machines from the Fashion Outlets Mall of Niagara Falls U.S.A., Public apologies' for the harms' against the state of New York, United States of America, and this plaintiff.

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/29/2024
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.



Signature(s) of Plaintiff(s)

* On 07/26/2024, this plaintiff has properly complained to the FBI Internet Crime Portal. Due to the computerized aspects' of the crime resulting in this civil pleading. Along with necessary statement's made over my cell phone, (number 716-787-0656,) to the U.S. Department of Justice Comment Line. With the U.S. Attorney General's Office.

This plaintiff's money was rejected two times by the defendant's vending machine. Then this plaintiff tried on another vending machine owned by the same defendants; only for his money to be kept, (ACTUALLY STOLEN,) by the vending machine. With no product dispensed to this plaintiff. Plaintiff then filed a complaint with mall security, (Allied Universal Security Services.) Plaintiff also called and complained to New York Governor Kathy Hochul's office. That referred this plaintiff to the New York Division of Consumer Affairs, where this plaintiff spoke with Kate. *